

REMARKS

By this amendment, claims 1-41 are pending, in which claims 1, 2, 4, 7, 11-15, 17, 20, 24-28, 30, 33 and 37-41 are currently amended. No new matter is introduced.

The Office Action mailed September 7, 2005 rejected claims 1-41 under 35 U.S.C. § 102 as anticipated by *Gao et al.* (US 6,707,890).

In the interest of advancing prosecution, Applicant has amended independent claims 1, 14, 27, 40 and 41. Amended independent claims 1 and 14 now recite “retrieving message waiting indication information **from a plurality of voice mail systems designated by a user**, wherein each of the message waiting indication information specifies existence, within the respective voice mail system, of a voice mail message for the user.” Claim 27, as amended, recites “a gateway configured to retrieve message waiting indication information **from a plurality of voice mail systems designated by a user**, wherein each of the message waiting indication information specifies existence, within the respective voice mail system, of a voice mail message for the user, the gateway determining an instant communication client of the user.” Amended claim 40 recites “aggregating message waiting indication information **from a plurality of voice mail systems** for notifying a user of presence of a voice mail message resident on any one of the voice mail systems.” Independent claim 41 now recites “means for aggregating message waiting indication information **from a plurality of voice mail systems** for notifying a user of presence of a voice mail message resident on any one of the voice mail systems.”

By contrast, *Gao et al.* discloses (per the Abstract) a system that notifies a voice mailbox subscriber of the receipt of a message at a voicemail server using instant messaging. An enhanced notification server receives a notification of the message from the voicemail server, queries the availability of an instant messaging client via an instant messaging presence server,

and forwards the notification to the instant messaging client via the instant messaging presence server if the instant messaging client is available.

Notably, *Gao et al.* further describes within col. 2: 32-45 the following:

FIG. 1 is a schematic diagram showing the system architecture used in a preferred embodiment of the invention. PSTN 110, voicemail (VM) server 120, IP network 140, and instant messaging (IM) presence server 150 are known elements in the art. As shown in FIG. 1, PSTN 110 is accessible to users via one or more of wireless telephone 102, fax machine 104, and wireline telephone 106. Although not indicated in FIG. 1, PSTN 100 can be accessible to other telecommunications devices including, for example, a computer with a modem, an interactive pager, a personal digital assistant, and the like.

As known in the art, voicemail server 120 can receive voicemail, fax messages, and the like from various sources including, for example, PSTN 110, through link 112.

Voicemail server 120 is in communication with IP network 140 via link 122. Voicemail server 120 and IP network 140 can communicate with each other using known protocols, including, for example, TCP/IP.

As known in the art, voicemail server 120 can receive voicemail, fax messages, and the like from various sources including, for example, PSTN 110, through link 112.

Voicemail server 120 is in communication with IP network 140 via link 122. Voicemail server 120 and IP network 140 can communicate with each other using known protocols, including, for example, TCP/IP.

Preferably, voicemail server 120 is adapted to provide traditional voicemail features as well as new features. Voicemail server 120 preferably includes a profile for each of its voice mailbox subscribers regarding how notification of incoming messages should be performed. Preferably, voicemail server 120 is adapted to initiate the notification by communicating with enhanced notification server 130. Communications between voicemail server 120 and enhanced notification server 130 can be accomplished via IP network 140 and links 122 and 142.

As evident from above passage, only a single voicemail server is contemplated by the *Gao et al.* system. There is no capability (and thus no disclosure) within the *Gao et al.* system for a user to designate the voice mail system, which is consistent with the fact only one voicemail

server is employed. The user profile maintained by the voicemail server 120 relates only to how notification of incoming messages should be performed. Therefore, there is no disclosure of “a plurality of voice mail systems,” much less “**a plurality of voice mail systems designated by a user.**”

The Office Action, on page 3 (with respect to claims 2, 15 and 28), asserts that multiple voice mail systems are disclosed within col. 2: 32-41. Applicants respectfully disagree, as this cited passage (reproduced above) provides no such disclosure; again, there is only discussion of a single voicemail server 120. The Examiner is reminded that MPEP § 706 states that “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity.” Furthermore, MPEP § 706.02(j) indicates that: “[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond.” Unfortunately, the Examiner’s citation to the uninformative passage of col. 2: 32-41 provides no clear basis for the rejection.

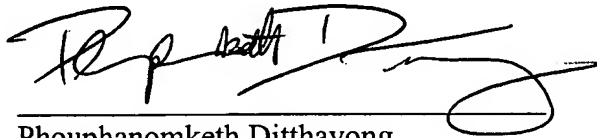
As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Gao et al.* fails to disclose all of the claimed features, particularly “**a plurality of voice mail systems designated by a user.**”

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8508 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

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Date



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